

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA and STATE
OF NEW JERSEY *ex rel.* RAFI
KHATCHIKIAN and IVAN TORRES,

Plaintiffs,

v.

PORT IMPERIAL FERRY CORPORATION,
PORT IMPERIAL FERRY CORPORATION
d/b/a NY WATERWAY; ARTHUR
IMPERATORE, President; ALAN WARREN,
Vice President; ROMULUS DEVELOPMENT
CORP.; BILLYBEY FERRY COMPANY, LLC;
WILLIAM WACHTEL; ABC CORPORATIONS
1-10 (same names being fictitious) and JOHN
DOES 1-10 (same names being fictitious),

Defendants.

Civil Action No. 16-CV-02388-KM-AME

ORDER

THIS MATTER, having been opened to the Court by Mandelbaum Barrett PC, attorneys for defendant Alan Warren (“Warren”), and Baldassare & Mara, LLC, attorneys for Port Imperial Ferry Corporation d/b/a NY Waterway, Arthur Imperatore, Romulus Development Corp., and Billeybey Ferry Company, LLC (“NYW Defendants”), by way of letter application to convert the Court’s dismissal of Counts 1-4 and 7-8 of the Amended Complaint without prejudice to a dismissal with prejudice (D.E. 60), pursuant to the Court’s Order dated October 17, 2021 (D.E. 39), on notice to Halunen Law and Law Offices of Michael D. Fitzgerald, attorneys for plaintiffs Rafi Khatchikian and Ivan Torres (“Plaintiffs”); and the Court having considered all papers submitted and the oral argument of counsel, if any; and for good cause shown;

IT IS on this 1st day of August, 2022, **ORDERED**:

1. The application of Warren and the NYW Defendants to convert the Court's dismissal of Counts 1-4 and 7-8 of the Amended Complaint without prejudice to a dismissal with prejudice is **GRANTED**, and Counts 1-4 and 7-8 of the Amended Complaint are hereby **DISMISSED WITH PREJUDICE**.

/s/ Kevin McNulty

Honorable Kevin McNulty, U.S.D.J.